

Yellowstone County District Court
STATE OF MONTANA
By: Angela Abrahams
DC-56-2023-0000397-IN
Souza, Rod
1.00

Jacob Yerger
DEPUTY YELLOWSTONE COUNTY ATTORNEY
P.O. Box 35025
Room 701, Courthouse
Billings, Montana 59107-5025
Telephone: 406/256-2870
Attorney For Plaintiff

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,
Plaintiff,
vs.
DAVID LEE CARPENTER,
Defendant.

CAUSE NO. DC

JUDGE: COLETTE B. DAVIES

**MOTION FOR LEAVE TO FILE
INFORMATION WITH SUPPORTING
AFFIDAVIT**

The undersigned Deputy County Attorney of Yellowstone County, Montana, being first duly sworn by oath, moves the Court for Leave to File an Information based upon an investigation conducted by law enforcement officers charging the above-named Defendant with the offense of:

VIOLATION OF A PROTECTIVE ORDER - 3RD OR SUBSEQUENT OFFENSE (FELONY)

committed at Yellowstone County, State of Montana, on or about October 2022.

That law enforcement officers have made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that the prosecutor believes it a proper case for filing of an Information and that for this reason, and none other, the foregoing Motion is made.

The Court is informed that the Billings Police Department (BPD) investigation revealed the following:

On August 29, 2022, Yellowstone County Justice of the Peace Jeanne M. Walker issued an order of protection (hereinafter "Order") in V.Y. v. David Lee Carpenter (CV 2022-3104). The Order enjoins

respondent DAVID LEE CARPENTER (born July of 1986), the Defendant herein, from coming within 1,500 feet of V.Y.'s residence. The Order is in effect until August 29, 2032.

On or about October 7, 2022, at approximately 9:45 p.m., BPD Officer Weekes responded to V.Y.'s residence on Broadwater Avenue in Billings, Yellowstone County, Montana, after receiving a report of a suspected violation of the Order. Upon arrival, Officer Weekes contacted V.Y., who advised that the Defendant had been driving behind her property. She related that the Defendant had been driving through the alley behind her home on an ongoing basis. V.Y. described the Defendant's vehicle as a gray, Chevrolet extended cab pickup with a metal rack. She provided surveillance footage from earlier that day, which Officer Weekes reviewed. It showed a grey, Chevrolet pickup driving behind the house twice: once at 6:00 p.m. and a second time at 7:47 p.m. Officer Weeks performed a records check on vehicles registered to the Defendant, and learned that the Defendant had registered a grey, 2002 Chevrolet Silverado, matching the description provided by V.Y. Officer Weekes obtained a copy of V.Y.'s surveillance footage, and cleared the residence.

The Defendant has two prior convictions for Violation of an Order of Protection, both from January 2023.

The investigation continues.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: March 28, 2023

\s\ Jacob A. Yerger
Deputy County Attorney